

FEBRUARY 3RD WORKING DRAFT

Memorandum of the Jefferson County Attorney's Office

Research Ordinance Commission

Submitted to the Ethics Work Group of

The Louisville Metro Council

February 3, 2010

The Jefferson County Attorney's Office, Research Ordinance Commission (ROC) has tracked agreed and discussed changes to the existing Ethics Ordinance as the Ethics Work Group review has progressed. The changing draft has been provided periodically to the Ethics Work Group. This has been presented as a working document only. The draft, in its current form is not ready for presentation as an "amendment by substitution." Upon request, ROC will review the draft or any proposed amendments for form and legality.

The working draft is intended to document those portions of the ordinance on which agreement has been reached. As has been stated in previous meetings, the represented agreements are based upon the ROC's understanding of that agreement. There is room for interpretation and thus, room for misinterpretation. A careful review of changes by members of the work group is encouraged.

Items in bold print in the working draft indicate a tentative agreement, ongoing discussion, or (frankly) uncertainty by the drafter as to the Work Group's intent. Changes to the draft following the February 2, 2010 meeting of the Ethics Work Group are as follows:

21.01: Definitions The definition of "Metro Officer" has been finalized. It is listed in bold print pending review by the Ethics Work Group. It is noted that the list of "Metro Officers," Chief Financial Officer is not specifically included. The list does not include County Judge Executive or Commissioners. It is the opinion of the Jefferson County Attorney's Office that, though they are listed as covered under KRS 65.003, they need not be listed in the ordinance as they have no duties.

The definition of "family member" or "immediate family member" has not been agreed upon. Though there was not complete agreement, a change has been listed to the existing definition of "immediate

family member.” This change would include children of a Metro officer, whether or not they lived in the Metro Officer’s household.

21.02: Standards of Conduct No changes have been made. The effect of this section and the section on Financial Disclosure are dependent upon the definition of “Metro Officer” and “Family.”

21.03: Financial Disclosure Both proposed versions of the Ordinance (Fleming version and Butler/Ackerson version) propose changes to this section by adding enumerated paragraph (7) which lists information that must be disclosed annually by Metro Officers:

These two provisions do not address the same subject and are not in conflict.

Councilman Fleming version: (7)List any position held with any business or nonprofit organization which has received (within the past two years) or receives any funds from Metro Government.

Councilmembers Butler and Ackerson version: The name of any other Metro Officer with whom the filer has a professional relationship and a statement of the exact nature of that relationship, subject to the confidentiality and privacy laws and regulations of the Commonwealth of Kentucky and the United States.

Section 21.03(B)(1) is changed to require a filing date of August 1 rather than April 1.

Section 21.03(B)(2) The CM Fleming version of the ordinance proposes to strike this section.

Section 21.01(B)(3)(4) refer to disclosures immediately following merger. They are dated and may be stricken.

21.05: Ethics Commission

21.05(C) language related to initial appointment were applicable immediately following merger. They are dated and have been stricken.

21.05(D) language has been added that requires reporting by the Ethics Commission of any rules changes by August 1 of each year.

21.06 Complaints The working draft presently has two competing routes of appeal. (21.06(C)) The question was raised at the 1-25-2010 meeting but was not addressed at the 2-1-2010.